

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

USA,

Plaintiff,

v.

YVONNE LATTIMORE,

Defendant.

Case No. [19-cr-00046-BLF-1](#) (SVK)

**ORDER RE PRODUCTION OF
DOCUMENTS BY THIRD PARTY
COUNTY OF MONTEREY**

Re: Dkt. No. 227

Before the Court is third party County of Monterey's Administrative Motion re the production of documents in response to a subpoena issued by the Court pursuant to an *ex parte* application by Defendant. Dkt. 227.¹ Upon filing, the Administrative Motion was set for hearing on May 9, 2023 at 9 a.m. Because trial was already underway, the Court continued the hearing to May 9 at 12 p.m. Counsel for the Government and for Defendant Lattimore appeared; counsel for County of Monterey did not appear.

The Court set the hearing because the County's objective in filing the Administrative Motion was not clear. The points of confusion are evident throughout the motion and, in the interest of time, will not be repeated here. Only somewhat helpfully, the Proposed Order (Dkt. 227 at 3) states: "Documents submitted by the County of Monterey in response to the Subpoena issued in this matter shall be filed with the court under seal." As there is no practice of filing documents produced pursuant by subpoena with the Court, the Court reads this language as a request for a protective order. This conclusion is further supported by the reference in the brief declaration of counsel (Dkt. 227 at 2) to the documents containing "personal and medical

¹ The request of the County of Monterey that the Administrative Motion be filed under seal (*see* Dkt. 227 at 1:23-25) is **GRANTED**.

information.”² There is a stipulated Protective Order in place in this action (Dkt. 124), and in Court counsel for Defendant, the requesting party, agreed to be bound by the terms of the Protective Order as to the third party production by the County of Monterey. A copy of the Protective Order is attached hereto as Exhibit A.

Accordingly, the Court **ORDERS** as follows:

- The Protective Order is hereby adopted for the third party production by the County of Monterey;
- The County of Monterey will produce responsive documents **IMMEDIATELY** upon receipt of this Order;
- The County may, but is not required, to stamp the documents as “CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER”;
- Whether or not the responsive documents are so stamped, they are produced and are to be treated by all parties under the auspices of the Protective Order.

To the extent the County was seeking broader relief, the County forwent the opportunity to make its request clear when it failed to appear and any such request is **DENIED**. This Order will appear on the public docket and the Court will email a copy to counsel for the County of Monterey.

SO ORDERED.

Dated: May 9, 2023



SUSAN VAN KEULEN
United States Magistrate Judge

² This Court previously found that plaintiff made the requisite showing of relevance and need for production under the *Nixon* factors in its ex parte application for the subpoena. Dkt. 204.